

REMARKS

Responsive to the Office Action mailed on September 21, 2006 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1, 3-13 and 15-18 remain in the application. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Zurek et al (US 4,912,602, hereinafter "Zurek"). Claims 11-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon (U.S. 6,111,760) in view of Zurek. Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zurek and Nixon in view of Chen (U.S. 6,975,889).

In this paper, claims 1 and 11 are amended to correct a typographical error introduced in the amendment dated July 4, 2006. Namely, "the engaging member" replaces the wording "the engaging element" on line 8 of claims 1 and 11. In this regard, it is noted that "engaging element" lacks antecedent basis, while "engaging member" does have proper antecedent basis. Insofar as this amendment presents rejected claims in better form for consideration on appeal and requires only a cursory review by the examiner, it is believed to be proper under 37 CFR 1.116.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Examiner Interview

A telephonic interview was conducted between the Examiner and the undersigned on November 15, 2006. It was discussed that Zurek does not have an element corresponding to the "body having an engaging member and a guide rail" to which the front housing and rear cover are "detachably disposed" via the engaging member and on which the battery pack is "disposed," wherein a projecting portion of the battery pushes the engaging member to move

along the guide rail. It was further discussed that, contrary to the claimed inventions, 1) the alleged "guide rail" in Zurek identified by the Examiner in the final office action is part of battery 105, not the alleged "body" 102; 2) the alleged "front housing" 301 is not detachable from the alleged "body" 102; and 3) the alleged "front housing" 301 is not disposed on the alleged "body" via the alleged "engaging members" 213-218.

The Examiner agreed to reconsider the claims in view of the prior art upon receiving an after final response.

Rejections Under 35 U.S.C. 102

Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Zurek. Applicant respectfully traverses the rejections for the reasons as follow.

The rejection of a claim for anticipation under 35 U.S.C. §102 requires that the prior art reference include every element of the rejected claim. Furthermore, as stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claim." *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Claim 1 recites a mobile phone comprising 1) a body, 2) a front housing, and 3) a rear cover. Also included are a battery cover and a battery pack. The body includes an engaging member and a guide rail. The front housing is detachably disposed on the body via the engaging member. The rear cover is detachably disposed on the body via the engaging member. The battery cover is detachably disposed on the body. The body is housed by the front housing, the rear cover, and the battery cover. The battery pack is disposed on the body, and includes a projecting portion. The projecting portion pushes the engaging member to move along the guide rail.

Zurek discloses a portable unit having a body portion 102 comprising 1) a front main housing 301 and 2) a rear main housing 303. Also included is a detachable battery 105. Six cantilever beam spring catches 213-218 are formed at the front main housing 301, as shown in FIG. 5.

Claim 1 clearly recites that the body, front housing, and rear cover are three distinct elements, wherein the body includes an engaging member and a guide rail, and the front housing and rear cover are detachably disposed on the body via the engaging member. To the contrary, Zurek teaches only a front main housing 301 and a rear main housing 303 which are assembled together to form the body portion 102. In other words, Zurek has no distinct element corresponding to or having the features of the "body" in claim 1. Thus, neither the front main housing 301 nor the rear main housing 303 can be "detachably disposed" on the body portion 102 via an "engaging member" on the body portion, as recited in claim 1.

Furthermore, in the office action, the Examiner asserts that a component corresponding to the guide rail of claim 1 is inherently part of the battery 105 (point 3 of the detailed action). However, in claim 1, the guide rail is a part of the body, not the battery pack. Furthermore, the examiner asserts that cantilever beam spring catches 213-218 of the front main housing 301 correspond to the engaging members of claim 1. However, in claim 1, the engaging members are part of the body, not the front housing.

For at least the reasons described above, it is Applicant's belief that the cited reference fails to teach or suggest all the limitations of claim 1. Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn and the claim passed to issue. Insofar as claims 3-10 depend from claim 1 either directly or indirectly, and therefore incorporate all of the limitations of claim 1, it is Applicant's belief that these claims are also in condition for allowance.

Rejections Under 35 U.S.C. 103(a)

Claims 11-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon in view of Zurek. Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zurek and Nixon in view of Chen. Applicant respectfully traverses the rejections for the reasons as follow.

MPEP 2142 reads in part:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In connection with the third criteria, MPEP 2143.03 goes on the state:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Claim 11 discloses an assembly for assembling a mobile phone. The mobile phone includes 1) a body, 2) a front housing, and 2) a rear cover. The assembly comprises an engaging member, a first hook, a second hook, a guide rail, and an abutting member. The engaging member is disposed on the body in a manner such that the engaging member moves between a first position and a second position. The first hook corresponds to the engaging member, and is disposed on the front housing. The second hook corresponds to the engaging member, and is disposed on the rear cover. The abutting member pushes the engaging member to move along the guide rail for positioning the engaging member. The engaging member is engaged with the first hook and the second hook so that the front housing and the rear cover are combined with the body when the engaging member is located at the first position, and the engaging member is disengaged from the first hook and the second hook so that the front housing and the rear cover are separated from the body when the engaging member is located at the second position.

Nixon teaches an enclosure 10 for a wireless device comprising 1) a front housing 20 and 2) a rear housing 50. Fingers 30 with snap teeth 32 are included on the front housing 20 for engaging with the rear housing 50. In the rejections, the Examiner argues that Nixon teaches all of the elements of claim 11 except for a guide rail and an abutting member to push the engaging member to move along the guide rail for positioning the engaging member, and instead relies upon Zurek to teach these features.

In claim 11, the assembly includes an engaging member disposed on a body, a first hook corresponding to the engaging member disposed on a front housing, and a second hook corresponding to the engaging member disposed on a rear cover, wherein the body, front housing, and rear cover are three distinct elements. To the contrary, in Nixon the enclosure 10 is comprised of the front housing 20 and the rear housing 50. In other words, Nixon has no element corresponding to the "body" in claim 11. Thus, neither the front housing 20 nor the rear housing 50 can be "combined" or "separated" from the body by engaging or disengaging the alleged "hooks" on the housings with an engaging member disposed on the body, as recited in claim 11.

Furthermore, the fingers 30 and snap hooks 32 are part of the front housing 20 in Nixon. In the rejections, the Examiner identifies fingers 30 as the alleged "engaging member" of claim 11 and snap hooks 32 as the alleged "first hook" of claim 11. It is unclear how the integrally formed fingers and snap hooks can be arranged to meet the limitation "the engaging member is engaged with the first hook and the second hook so that the front housing and the rear cover are combined with the body when the engaging member is located at the first position, and **the engaging member is disengaged from the first hook** and the second hook so that the front housing and the rear cover are separated from the body when the engaging member is located at the second position," as recited in claim 11.

In addition, it is unclear how the interlocking guide rails 312 of Zurek (i.e., part of battery 105) could be combined with the structure in Nixon as the alleged "abutting member" to result in an arrangement in which "the abutting member pushes the engaging member to move along the guide rail for positioning the engaging member," as recited in claim 11.

It is therefore Applicant's belief that even when taken in combination, the prior art references relied upon by the Examiner do not teach or suggest all the limitations of claim 11. For at least this reason, a *prima facie* case of obviousness cannot be established in connection with this claim. Furthermore, as it is Applicant's belief that a *prima facie* case of obviousness is not established for claim 11, the Examiner's arguments in regard to the dependent claims are considered moot and are not addressed here. Allowance of claims 11-13 and 15-18 is respectfully requested.

Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zurek and Nixon in view of Chen. As noted above, it is Applicant's belief that claims 4, 7-9, and 11 are allowable by virtue of their dependency from claim 1. For this reason, the Examiner's arguments in connection with these claims are considered moot and will not be addressed here.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so. The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to Deposit Account No. **502447**. In particular, if this response is not timely filed, then the commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 C.F.R. § 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to Deposit Account No. **502447**.

Respectfully submitted,

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